

Amendments to the Drawings

The attached new sheets are labeled Fig. 8 and Fig. 9.

Attachment: New Sheet labeled Fig. 8

New Sheet labeled Fig. 9

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration of this application in view of the following remarks.

DRAWINGS

The Office maintains several objections (pages 2-3) under 37 CFR 1.83(a) for drawings not detailing every feature specified in the claims.

Office paragraph 2

The Office states:

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant has submitted a new Figure 8, a drawing explicitly showing, "the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information." No new matter has been entered. Support for "the information received at the service aggregator is selected from the group consisting of device attribute information,

branding information, account information, device serial number information, type of device information, application information, and last time used information" may be found in the originally submitted application at claim 10 which includes among other things "the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information."

As amended Applicant submits that Figure 8 complies with 37 CFR 1.83(a) and therefore Applicant respectfully requests removal of this objection.

Office paragraph 3

The Office states:

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Applicant has submitted a new Figure 9, a drawing explicitly showing, "payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser." No new matter has been entered. Support for "payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser." may be found in the originally submitted application at claim 30 which includes among other things

"payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser."

As amended Applicant submits that Figure 9 complies with 37 CFR 1.83(a) and therefore Applicant respectfully requests removal of this objection.

Claims 10-12, 18, and 30 Rejection under 35 U.S.C. § 112 ¶ 1

The Office states:

6. The limitation of, "the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information", disclosed in claims 10 and 18; is not found or described in the specification. Applicant is asked to amend the claim or specifically point out in the specification and drawings where this limitation could be interpreted in view of the claim language.

As amended, Applicant submits that the limitation of "the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information" as disclosed in claims 10 and 18 may be found in the specification at [0031.1]. The limitation of "the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information,

type of device information, application information, and last time used information" as disclosed in claims 10 and 18 may be found in the new Figure 8.

Applicant submits that claims 10, and 18 comply with 35 U.S.C. § 112 ¶ 1, and respectfully requests withdrawal of these rejections.

The Office states:

7. The limitation of, "payor is selected from the group consisting of a subscriber, a nonsubscriber, a sponsor, and an advertiser", disclosed in claim 30, is not found or described in the specification. Applicant is asked to amend the claim or specifically point out in the specification and drawings where this limitation could be interpreted in view of the claim language.

As amended, Applicant submits that the limitation of "payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser" disclosed in claim 30 may be found in the specification at [0044.1]. The limitation of "payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser" as disclosed in claim 30 may be found in the new Figure 9.

Applicant submits that claim 30 complies with 35 U.S.C. § 112 ¶ 1, and respectfully requests withdrawal of this rejection.

The Office states:

8. Claims 11 and 12 are rejected under 35 U.S.C. 112, first paragraph, for it [sic] dependency on the claims discussed above.

Claim 11 is dependent on claim 10 and claim 10 was rejected under 35 U.S.C. § 112 ¶ 1. As amended, Applicant submits that the limitation of “the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information” as disclosed in claim 10 may be found in the specification at [0031.1]. The limitation of “the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information” as disclosed in claim 10 may be found in the new Figure 8. Applicant submits that claim 10 complies with 35 U.S.C. § 112 ¶ 1 upon which claim 11 depends and therefore respectfully requests withdrawal of the claim 11 rejection under 35 U.S.C. § 112 ¶ 1.

Claim 12 is dependent on claim 10 and claim 10 was rejected under 35 U.S.C. § 112 ¶ 1. As amended, Applicant submits that the limitation of “the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information” as disclosed in claim 10 may be found in the specification at [0031.1]. The limitation of “the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information” as disclosed in claim 10 may be found in the new Figure 8. Applicant submits that claim 10

complies with 35 U.S.C. § 112 ¶ 1 upon which claim 12 depends and therefore respectfully requests withdrawal of the claim 12 rejection under 35 U.S.C. § 112 ¶ 1.

Claim 1 Rejection under 35 U.S.C. § 102(e) - Ward

The Office states on page 5 paragraphs 10-13:

10. Claims 1, 2, 4, 6-8 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward et al. U.S. Patent No. 6784924 (hereinafter Ward).

11. Referencing claim 1, as closely interpreted by the Examiner, Ward teaches a method comprising:

12. receiving at a service aggregator information from a device, (e.g. col. 2, line 59 - col. 3, line 14); and

13. transmitting information from the service aggregator to the device directing the device to communicate with a service provider, (e.g. col. 2, line 59 - col. 3, line 14).

Applicant's claim 1 as amended recites:

1. (currently amended) A method comprising:

receiving at a service aggregator information from a device first; and

transmitting information from the service aggregator to the device directing the device to communicate with a service provider.

[Emphases added.]

Firstly,

Response to OA of 06-30-2005

Page 16 of 68

Application No. 09/884741

As claimed by Applicant in amended claim 1, the service aggregator receives information from the device first. Ward on the other hand discloses sending information to the device (camera) first. These are not the same. That is, in Applicant's claim 1, the device *first sends* information and then receives information, Ward teaches the device *first receiving* information and then sending information. Sending information first is different than receiving information first.

Ward throughout teaches sending information to the device first and nowhere suggests the device sending information first.

For example, in Ward's Abstract, the first sentence is:

A network configuration file is generated at a host computer and downloaded to a digital camera.

(Emphasis added.)

At the Ward reference cited by the Office (col. 2, line 59 - col. 3, line 14), Ward discloses:

When the camera 10 is first purchased ..., it is connected to the PC 12 ...PC 12 will enable the user to specify the name of a destination ISP or online service and to input from the host PC keyboard 44 the appropriate communication settings and account information. This information generates a network configuration file, which then can then be downloaded to the camera ..., and written to the camera's internal memory 28 and/or the removable memory card 30. Alternatively, a host PC equipped with a memory card reader/writer 42 can write the information directly to the card Also, this information could be predetermined by the user and stored in a "preferences" file on

the host PC 12 and then transferred to the camera 10 from this file without further intervention by the user. ...

Additionally, Ward in Figure 1 shows sending information (from 12) to the device 10 (memory card 30) first and then some time later the device 10 communicating with a online service 14.

Thus Ward does not disclose, nor does it even suggest, Applicant's claim 1 limitation of "receiving at a service aggregator information from a device first."

Since Ward does not disclose this limitation of Applicant's claim 1, Ward does not anticipate Applicant's claim 1. Applicant therefore respectfully requests allowance of claim 1 and all claims dependent on claim 1.

Secondly,

Second, as claimed by Applicant in claim 1, transmitting information from the service aggregator to the device directing the device to communicate with a service provider. Ward on the other hand discloses sending configuration information to the device (camera) from a first device such as a personal computer, and then having the camera initiate a communication to a second device, such as an online provider.

Ward thus discloses a sequence such as this:

- 1) send from a first source information to configure the device (camera);
- 2) wait till user presses a "send" button; and
- 2) device (camera) contacts a service provider based on configuration information.

Applicant on the other hand discloses in claim 1 a sequence such as this:

- 1) send information from device first to service aggregator;
- 2) service aggregator sends service provider information to device; and
- 3) device contacts service provider.

These are not the same. Nowhere does Ward disclose or suggest what Applicant has claimed in claim 1. Ward throughout teaches sending information to the device first and nowhere suggests the device sending information first, nor does it disclose or suggest

that the online service first receives information from the device before it then directs the device to another online service.

For example, in Ward's Abstract:

A network configuration file is generated at a host computer and downloaded to a digital camera. This file contains instruction information for communicating with a selected destination via a communications interface. The digital camera includes a "send" button When the user selects this option, the communications port settings, user account specifics, and destination connection commands are read from the network configuration file on the removable memory card. Examples of these settings include serial port baud rate, parity, and stop bits, as well as account name and password.

(Emphases added.)

Thus Ward discloses communication to the service provider when the user presses a "send" button.

At the Ward reference cited by the Office (col. 2, line 59 - col. 3, line 14), Ward discloses:

When the camera 10 is first purchased (or at any time thereafter), it is connected to the PC 12 via the host PC 36 interface and a software application (stored on a disc 45) running on the host PC 12 will enable the user to specify the name of a destination ISP or online service and to input from the host PC keyboard 44 the appropriate communication settings and account information. This information generates a network configuration file, which then can then be downloaded to the camera 10 through the host PC interface 36, which may be a wired or infrared (e.g., IrDA) interface,

and written to the camera's internal memory 28 and/or the removable memory card 30. Alternatively, a host PC equipped with a memory card reader/writer 42 can write the information directly to the card 30 without connecting the camera through its host PC interface 36. Also, this information could be predetermined by the user and stored in a "preferences" file on the host PC 12 and then transferred to the camera 10 from this file without further intervention by the user. Multiple sets of destination services can be stored on the memory card 30. Typically, keyword or graphic descriptors (e.g., icons) accompany the information in the network configuration file about destination services to enable easy access by the camera user.

Ward does not disclose or suggest at the reference cited anything about "transmitting information from the service aggregator to the device directing the device to communicate with a service provider" as Applicant has claimed in claim 1.

Since Ward does not disclose this limitation of Applicant's claim 1, Ward does not anticipate Applicant's claim 1. Applicant for this additional reason (Secondly) therefore respectfully requests allowance of claim 1 and all claims dependent on claim 1.

Claim 2 Rejection under 35 U.S.C. § 102(e) - Ward

The Office states:

14. Referencing claim 2, as closely interpreted by the Examiner, Ward teaches comprising the service aggregator communicating information about the device to the service provider, (e.g. col. 2, line 59-col. 3, line 14).

Applicant's claim 2 recites:

2. (original) The method of claim 1 further comprising the service aggregator

communicating information about the device to the service provider.

Firstly

Claim 2 is dependent on claim 1 and as explained above in the Claim 1 discussion, Ward does not disclose receiving information from the device first. Since Ward does not disclose this limitation of Applicant's claim 1, Ward does not anticipate Applicant's claim 2.

Secondly

Nowhere in the cited section (e.g. col. 2, line 59-col. 3, line 14) is there any mention of a service aggregator communicating any information to a service provider.

What Ward discloses in the cited section is a camera "is connected to the PC" and the PC "will enable the user to specify the name of a destination ISP or online service."

Thus what Ward discloses is a PC to device (camera in this case) communication. A PC to device communication is not the same as a "service aggregator communicating information about the device to the service provider" as in Applicant's claim 2

Since Ward does not disclose this limitation of Applicant's claim 2, Ward does not anticipate Applicant's claim 2.

Applicant for the above two reasons respectfully requests allowance of claim 2.

Claim 4 Rejection under 35 U.S.C. § 102(e) - Ward

The Office states:

Response to OA of 06-30-2005

Page 22 of 68

Application No. 09/884741

15. Referencing claim 4, as closely interpreted by the Examiner, Ward teaches the service aggregator communicating user options to the device, (e.g. col. 2, line 59 - col. 3, line 14, "preferences").

Applicant's claim 4 recites:

4. (original) The method of claim 1 further comprising the service aggregator communicating user options to the device.

Firstly

Claim 4 is dependent on claim 1 and as explained above in the Claim 1 discussion, Ward does not disclose receiving information from the device first. Since Ward does not disclose this limitation of Applicant's claim 1, Ward does not anticipate Applicant's claim 4.

Secondly

Nowhere in the cited section (e.g. col. 2, line 59 - col. 3, line 14, "preferences") is there any mention of the service aggregator communicating user options to the device.

What Ward discloses in the cited section is a camera "is connected to the PC" and the PC "will enable the user to specify the name of a destination ISP or online service." "Also, this information could be predetermined by the user and stored in a 'preferences' file on the host PC 12 and then transferred to the camera 10 from this file without further intervention by the user."

Thus what Ward discloses is a PC to device (camera in this case) communication where the contents of the communication may be predetermined by the user in a file; **however** the communication is still from the PC to the device. A PC sending to a device a

predetermined preferences file is not the same as a "service aggregator communicating user options to the device" as in Applicant's claim 4.

Since Ward does not disclose this limitation of Applicant's claim 4, Ward does not anticipate Applicant's claim 4.

Applicant for the above two reasons respectfully requests allowance of claim 4.

Claim 6 Rejection under 35 U.S.C. § 102(e) - Ward

The Office states:

16. Referencing claim 6, as closely interpreted by the Examiner, Ward teaches the information from the device is input by a user, (e.g. col. 3, lines 14-39, "take pictures").

Applicant's claim 6 recites:

6. (original) The method of claim 1 wherein the information from the device is input by a user.

Firstly

Claim 6 is dependent on claim 1 and as explained above in the Claim 1 discussion, Ward does not disclose receiving information from the device first. Since Ward does not disclose this limitation of Applicant's claim 1, Ward does not anticipate Applicant's claim 6.

Secondly

Nowhere in the cited section (e.g. col. 3, lines 14-39, "take pictures") is there any mention wherein the information from the device is input by a user.

What Ward discloses in the cited section is "steps used to automatically transmit images ... After disconnecting the camera from the host PC, the user operates the camera to take pictures... As the user takes or reviews images on the image LCD display, the decision can be made to transmit one or more images... This is done by choosing one of the keywords or icons in a menu ... through the user buttons."

[Emphases added.]

Thus what Ward discloses after disconnecting and taking pictures is a possible transmission of images by choosing user buttons. This is not the same as a user inputting to a device information which is *first* sent to a service aggregator.

Since Ward does not disclose this limitation of Applicant's claim 6, Ward does not anticipate Applicant's claim 6.

Applicant for the above two reasons respectfully requests allowance of claim 6.

Claim 7 Rejection under 35 U.S.C. § 102(e) - Ward

The Office states:

17. Referencing claim 7, as closely interpreted by the Examiner, Ward teaches receiving from the service provider an aggregation of choices for the device, (e.g. col. 1, lines 51-67, "selected destination").

Applicant's claim 7 recites:

7. (original) The method of claim 1 wherein communication with the service provider further comprises receiving from the service provider an aggregation of choices for the device.

Firstly

Claim 7 is dependent on claim 1 and as explained above in the Claim 1 discussion, Ward does not disclose receiving information from the device first. Since Ward does not disclose this limitation of Applicant's claim 1, Ward does not anticipate Applicant's claim 7.

Secondly

Nowhere in the cited section (e.g. col. 1, lines 51-67, "selected destination") is there any mention wherein communication with the service provider further comprises receiving from the service provider an aggregation of choices for the device.

What Ward discloses in the cited section is "a network configuration file is generated at a host computer and downloaded to a digital camera. This file contains instruction information for communicating with a selected destination via a communications interface. The digital camera includes a 'send' button or LCD icon which allows the user to easily transmit one or more images via a wired or wireless communications interface to a desired destination."

[Emphases added.]

Thus what Ward discloses is a set of destinations that are generated on a PC, downloaded to a camera, and may be selected by a user. This is not the same as a

communication with the service provider further comprises receiving from the service provider an aggregation of choices for the device.

In Ward's disclosure the destinations are pregenerated and later picked to send pictures from the device to the destination whereas in Applicant's claim, the device receives from the service provider an aggregation of choices for the device. These are totally different because sending is not the same as receiving.

Since Ward does not disclose this limitation of Applicant's claim 7, Ward does not anticipate Applicant's claim 7.

Applicant for the above two reasons respectfully requests allowance of claim 7.

Claim 8 Rejection under 35 U.S.C. § 102(e) - Ward

The Office states:

18. Referencing claim 8, as closely interpreted by the Examiner, Ward teaches the choices are displayed on the device and a user may select a specific choice, (e.g. col. 3, lines, 15-39, ". . . which are displayed on the LCD ...").

Applicant's claim 8 recites:

8. (original) The method of claim 7 wherein the choices are displayed on the device and a user may select a specific choice.

Firstly

Claim 8 is dependent on claim 1 and as explained above in the Claim 1 discussion, Ward does not disclose receiving information from the device first. Since Ward does not disclose this limitation of Applicant's claim 1, Ward does not anticipate Applicant's claim 8.

Secondly

Claim 8 is dependent on claim 7 and as explained above in the Claim 7 discussion, Ward does not disclose receiving from the service provider an aggregation of choices for the device. Since Ward does not disclose this limitation of Applicant's claim 7, Ward does not anticipate Applicant's claim 8.

Thirdly

Nowhere in the cited section (e.g. col. 3, lines, 15-39, ". . . which are displayed on the LCD ...") is there any mention wherein the "choices" are from the service provider.

What Ward discloses in the cited section is "After disconnecting the camera from the host PC, the user operates the camera to take pictures... the decision can be made to transmit one or more images... This is done by choosing one of the keywords or icons in a menu ...which are displayed on the LCD 24 and selected, e.g., through the user buttons 26. "

These "choices" are *preloaded* in the camera (see Ward, (e.g. col. 2, line 59 - col. 3, line 14) which is not the same as *receiving* from the service provider an aggregation of choices for the device and then displaying them as in Applicant's claim 8.

Since Ward does not disclose this limitation of Applicant's claim 8, Ward does not anticipate Applicant's claim 8.

Applicant for the above three reasons respectfully requests allowance of claim 8.

Claim 17 Rejection under 35 U.S.C. § 102(e) - Ward

The Office states:

19. Claim 17 is rejected for similar reasons as stated above.

Applicant's claim 17 as amended recites:

17. (currently amended) A machine-readable medium having stored thereon instructions, which when executed by a processor, causes said processor to perform the following:

receive at a service aggregator information from a device first; and

transmit information from the service aggregator to the device directing the device to communicate with a service provider.

[Emphases added.]

Firstly,

As claimed by Applicant in amended claim 17, receive at a service aggregator information from a device first. Ward on the other hand discloses sending information to the device (camera) first. These are not the same. That is, in Applicant's claim 17, the device *first sends* information and then receives information, Ward teaches the device *first*

receiving information and then sending information. Sending information first is different than receiving information first.

Ward throughout teaches sending information to the device first and nowhere suggests the device sending information first.

For example, in Ward's Abstract, the first sentence is:

A network configuration file is generated at a host computer and downloaded to a digital camera.

(Emphasis added.)

Ward (see col. 2, line 59 - col. 3, line 14) discloses:

When the camera 10 is first purchased ..., it is connected to the PC 12 ...PC 12 will enable the user to specify the name of a destination ISP or online service and to input from the host PC keyboard 44 the appropriate communication settings and account information. This information generates a network configuration file, which then can then be downloaded to the camera ..., and written to the camera's internal memory 28 and/or the removable memory card 30. Alternatively, a host PC equipped with a memory card reader/writer 42 can write the information directly to the card Also, this information could be predetermined by the user and stored in a "preferences" file on the host PC 12 and then transferred to the camera 10 from this file without further intervention by the user. ...

Additionally, Ward in Figure 1 shows sending information (from 12) to the device 10 (memory card 30) first and then some time later the device 10 communicating with a online service 14.

Thus Ward does not disclose, nor does it even suggest, Applicant's claim 17 limitation of "receive at a service aggregator information from a device first."

Since Ward does not disclose this limitation of Applicant's claim 17, Ward does not anticipate Applicant's claim 17. Applicant therefore respectfully requests allowance of claim 17 and all claims dependent on claim 17.

Secondly,

Second, as claimed by Applicant in claim 17, transmit information from the service aggregator to the device directing the device to communicate with a service provider. Ward on the other hand discloses sending configuration information to the device (camera) from a first device such as a personal computer, and then having the camera initiate a communication to a second device, such as an online provider.

Ward thus discloses a sequence such as this:

- 1) send from a first source information to configure the device (camera);
- 2) wait till user presses a "send" button; and
- 2) device (camera) contacts a service provider based on configuration information.

Applicant on the other hand discloses in claim 17 a sequence such as this:

- 1) send information from device first to service aggregator;
- 2) service aggregator sends service provider information to device; and

3) device contacts service provider.

These are not the same. Nowhere does Ward disclose or suggest what Applicant has claimed in claim 17. Ward throughout teaches sending information to the device first and nowhere suggests the device sending information first, nor does it disclose or suggest that the online service first receives information from the device before it then directs the device to another online service.

For example, in Ward's Abstract:

A network configuration file is generated at a host computer and downloaded to a digital camera. This file contains instruction information for communicating with a selected destination via a communications interface. The digital camera includes a "send" button When the user selects this option, the communications port settings, user account specifics, and destination connection commands are read from the network configuration file on the removable memory card. Examples of these settings include serial port baud rate, parity, and stop bits, as well as account name and password.

(Emphases added.)

Thus Ward discloses communication to the service provider when the user presses a "send" button.

Ward (see col. 2, line 59 - col. 3, line 14) discloses:

When the camera 10 is first purchased (or at any time thereafter), it is connected to the PC 12 via the host PC 36 interface and a software application (stored on a disc 45) running on the host PC 12 will enable the user to specify the name of a destination ISP or online service and to input from the host PC keyboard 44 the appropriate communication settings and account information. This information generates a network configuration file, which then can then be downloaded to the camera 10 through the host PC interface 36, which may be a wired or infrared (e.g., IrDA) interface, and written to the camera's internal memory 28 and/or the removable memory card 30. Alternatively, a host PC equipped with a memory card reader/writer 42 can write the information directly to the card 30 without connecting the camera through its host PC interface 36. Also, this information could be predetermined by the user and stored in a "preferences" file on the host PC 12 and then transferred to the camera 10 from this file without further intervention by the user. Multiple sets of destination services can be stored on the memory card 30. Typically, keyword or graphic descriptors (e.g., icons) accompany the information in the network configuration file about destination services to enable easy access by the camera user.

Ward does not disclose or suggest at the reference cited anything about "transmit information from the service aggregator to the device directing the device to communicate with a service provider" as Applicant has claimed in claim 17.

Since Ward does not disclose this limitation of Applicant's claim 17, Ward does not anticipate Applicant's claim 17. Applicant for this additional reason (Secondly) therefore respectfully requests allowance of claim 17 and all claims dependent on claim 17.

Claim 13 Rejection under 35 U.S.C. § 102(e) - Anderson

The Office states:

20. Claims 13-16, 19-24 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (6636259) (hereinafter Anderson).
21. Referencing claim 13, as closely interpreted by the Examiner, Anderson teaches a method of device relationship management, comprising:
22. determining a new connection event from a device, (e.g. col. 10, lines 38-53);
23. sending a new connection message to the device, (e.g. col. 10, lines 54-64);
24. determining and optionally updating the device, (e.g. col. 10, lines 30-37);
25. sending messages to the device, (e.g. col. 10, lines 38-53);
26. receiving user input from the device, (e.g. col. 10, lines 15-29); and
27. configuring the device, (e.g. col. 10, lines 38-53).

Applicant's amended claim 13 recites:

13. (currently amended) A method of device relationship management, comprising:
- determining a new connection event from a device;
- sending a new connection message to the device upon said determining said new connection event from said device;
- determining and optionally updating the device upon said sending said new connection message to the device;
- sending messages to the device upon said determining and optionally updating the device;
- receiving user input from the device upon said sending messages to the device; and

configuring the device upon said receiving user input from the device.

[Emphases added.]

The Office has cited references for Applicant's claim 13 limitations; however, the Office has taken impermissible leeway in rearranging the elements to find Applicant's claim 13 anticipated.

Specifically, the Office has cut and pasted sequential events that occur in Anderson out of sequence to match those of Applicant's claim 13. Applicant submits that the Office has used hindsight reasoning to make Applicant's claim 13 anticipated.

The Office cites Anderson at col. 10 lines 15-64 in various sections for elements of Applicant's claim 13. However, Anderson discloses them in a different order and the result is not the same as Applicant's arrangement nor does it make Applicant's claim 13 anticipated.

Using the Office's cited lines of Anderson, the table below indicates the reordering that occurred in Anderson's reference.

| | Applicant's order | Anderson's order |
|--|----------------------|---------------------|
| 13. A method of device relationship management, comprising: | | |
| determining a new connection event from a device; | 1 | 3 |
| sending a new connection message to the device upon said determining said new connection event from said device | 2 | 4 |
| determining and optionally updating the device upon said sending said new connection message to the device; | 3 | 2 |
| sending messages to the device upon said determining and optionally updating the device; | 4 | 3 |
| receiving user input from the device upon said sending messages to the device; and | 5 | 1 |

| | | |
|--|---|---|
| configuring the device upon said receiving user input from the device. | 6 | 3 |
|--|---|---|

The Office cited the same lines 38 - 53 for three of Applicant's elements, however, a glaring example of rearrangement is that of "receiving user input from the device". In Anderson (lines 15 - 29) receiving user input is first. In Applicant's claim 13 it is fifth.

Applicant submits that Anderson does not anticipate Applicant's claim 13, that claim 13 is patentably distinct over the cited art and therefore respectfully requests allowance of claim 13 and claims dependent on claim 13.

Claim 14 Rejection under 35 U.S.C. § 102(e) – Anderson

The Office states:

28. Referencing claim 14, as closely interpreted by the Examiner, Anderson teaches updating the device comprises updating the device's memory, (e.g. col. 10, lines 38-53).

Applicant's claim 14 recites:

14. (original) The method of claim 13 wherein updating the device comprises updating the device's memory.

Firstly

Claim 14 is dependent on claim 13 and as explained above in the Claim 13 discussion, Anderson does not disclose Applicant's sequence of events. Since Anderson

does not disclose this limitation of Applicant's claim 13, Anderson does not anticipate Applicant's claim 14.

Secondly

Anderson does not disclose updating the device's memory *after* determining a new connection event from a device and then sending a new connection message to the device. Rather Anderson discloses (see Figure 4A and 4B), take pictures 102, ..., press send 106, ...establish connection with default ISP...send user ID and PW 118, ..., return info packet with new ISP... 124, receive info packet 126, write configuration file with ID, password, and default action list 128, These are not the same.

Since Anderson does not disclose this limitation of Applicant's claim 14, Anderson does not anticipate Applicant's claim 14.

Applicant for the two reasons above therefore respectfully requests allowance of claim 14.

Claim 15 Rejection under 35 U.S.C. § 102(e) – Anderson

The Office states:

- 29. Referencing claim 15, as closely interpreted by the Examiner, Anderson teaches determining a service provider, (e.g. col. 10, lines 30-37); and
- 30. transferring to the device communication information about the service provider, (e.g. col. 10, lines 38-53).

Applicant's claim 15 recites:

15. (original) The method of claim 13 wherein configuring the device further comprises:

Response to OA of 06-30-2005

Page 37 of 68

Application No. 09/884741

determining a service provider; and

transferring to the device communication information about the service provider.

Firstly

Claim 15 is dependent on claim 13 and as explained above in the Claim 13 discussion, Anderson does not disclose Applicant's sequence of events. Since Anderson does not disclose this limitation of Applicant's claim 13, Anderson does not anticipate Applicant's claim 15.

Secondly

Anderson does not disclose determining a service provider and transferring to the device communication information about the service provider *after* receiving user input from the device *after* sending messages to the device *after* determining and optionally updating the device *after* sending a new connection message to the device *after* determining a new connection event from a device. Rather Anderson discloses (e.g. col. 10, lines 30-37; col. 10, lines 38-53) *first* "After connecting with the ISP, the camera connects to the gateway server 18 and sends unique camera information and/or user information in step 120. ... the gateway server 18 uses the unique camera information to set up a user account 40 in step 122. After creating the user account 40, the gateway server 18 returns an information packet to the camera containing new ISP information (if needed), an account ID, and an account password in step 124." [Emphases added.] These are clearly not the same.

Since Anderson does not disclose this limitation of Applicant's claim 15, Anderson does not anticipate Applicant's claim 15.

Applicant for the two reasons above therefore respectfully requests allowance of claim 15 and claims dependent on claim 15.

Claim 16 Rejection under 35 U.S.C. § 102(e) – Anderson

The Office states:

31. Referencing claim 16, as closely interpreted by the Examiner, Anderson teaches transferring to the device communication information about the service provider further comprises instructing the device to establish a connection with the service provider, (e.g. col. 10, lines 38-53).

Applicant's claim 16 recites:

16. (original) The method of claim 15 wherein transferring to the device communication information about the service provider further comprises instructing the device to establish a connection with the service provider.

Firstly

Claim 16 is dependent on claim 15 and as explained above in the Claim 15 discussion, Anderson does not disclose Applicant's limitations for the two reasons discussed. Since Anderson does not disclose this limitation of Applicant's claim 15, Anderson does not anticipate Applicant's claim 16.

Secondly

Anderson does not disclose instructing the device to establish a connection with the service provider after determining a service provider and transferring to the device communication information about the service provider *after* receiving user input from the device *after* sending messages to the device *after* determining and optionally updating the device *after* sending a new connection message to the device *after* determining a new connection event from a device. Rather Anderson discloses (e.g. lines 38-53) “Continuing with FIG. 4B, the gateway server 18 uses the unique camera information to set up a user account 40 in step 122. After creating the user account 40, the gateway server 18 returns an information packet to the camera containing new ISP information (if needed), an account ID, and an account password in step 124. The information packet may also contain a default action list specifying what actions should be taken with respect to the images, an advertisement for display on the camera, and the URL of the entity-specific website 22.

It should be noted that if the camera is used in conjunction with an IP direct phone or is provided with a phone number for connected to a dedicated server where the user is not billed separately for the ISP connection, then the steps of providing the camera with default ISP info and returning new ISP info, may be omitted.”

[Emphases added.]

Nowhere does Anderson disclose instructing the device to establish a connection with the service provider. Anderson returns information, see Anderson Figure 4B at 124. Returning information about an ISP is different than instructing the device to establish a connection with the service provider.

Applicant for the two reasons above therefore respectfully requests allowance of claim 16.

Claims 19-24 and 27-28 Rejection under 35 U.S.C. § 102(e) - Anderson

The Office states:

32. Claims 19-24 and 27-28 are rejected for similar reasons stated above.

Applicant submits that these rejections amount to a general allegation and that Applicant has no basis upon which to respond since there is no detailed discussion. The best that the Applicant can do with such a broad assertion is to submit that for the same reasons discussed above, that claims 19 - 24 and 27 - 28 are not anticipated by Anderson, and therefore request allowance of claims 19 - 24 and claims 27 - 28. Additionally:

Specifically with respect to claim 19, nowhere does Anderson disclose a relationship manager, therefore Anderson does not anticipate Applicant's limitation of "a relationship manager for associating the plurality of devices with the plurality of service providers." Applicant respectfully requests allowance of claim 19 and claims dependent on claim 19.

Specifically with respect to claim 20, Anderson does not disclose associating a device based upon attributes from a specific device, therefore Anderson does not anticipate Applicant's limitation "wherein associating a specific device with a specific service provider

is based upon attributes from a specific device." Further, since claim 20 is dependent on claim 19 and for the reason stated above claim 19 is not anticipated by Anderson, claim 20 is not anticipated by Anderson. Therefore, for the above two reasons, Applicant respectfully requests allowance of claim 20.

Specifically with respect to claim 21, Anderson does not disclose a single service aggregator, therefore Anderson does not anticipate Applicant's limitation "wherein the plurality of service providers further comprises a single service aggregator." Further, since claim 21 is dependent on claim 19 and for the reason stated above claim 19 is not anticipated by Anderson, claim 21 is not anticipated by Anderson. Therefore, for the above two reasons, Applicant respectfully requests allowance of claim 21.

Specifically with respect to claim 22, Anderson does not disclose associating a plurality of devices with a plurality of service providers, therefore Anderson does not anticipate Applicant's limitation "wherein the single service aggregator associates the plurality of devices with the plurality of service providers." Further, since claim 22 is dependent on claim 21 and for the reason stated above claim 21 is not anticipated by Anderson, claim 22 is not anticipated by Anderson. Therefore, for the above two reasons, Applicant respectfully requests allowance of claim 22.

Specifically with respect to claim 23, Anderson does not disclose a relationship management server, therefore Anderson does not anticipate Applicant's limitations of "a relationship management server connected to a network; a plurality of devices connected

to the network; a plurality of service providers connected to the network; a communication means for exchanging information between the plurality of devices and the relationship manager; and a communication means for exchanging information between the plurality of devices and the plurality of service providers.” Therefore, Applicant respectfully requests allowance of claim 23 and claims dependent on claim 23.

Specifically with respect to claim 24, Anderson does not disclose a relationship manager directing devices to communicate, therefore Anderson does not anticipate Applicant’s limitation “wherein the exchanged information from the relationship manager to the plurality of devices further directs the plurality of devices to communicate with the plurality of service providers.” Further, since claim 24 is dependent on claim 23 and for the reason stated above claim 23 is not anticipated by Anderson, claim 24 is not anticipated by Anderson. Therefore, for the above two reasons, Applicant respectfully requests allowance of claim 24.

Specifically with respect to claim 27, Anderson does not disclose “determining if the device has access rights to a service provider after said receiving information from said device”, therefore Anderson does not anticipate Applicant’s limitations of “A method of relationship management comprising: receiving information from a device; determining if the device has access rights to a service provider after said receiving information from said device; and if the device has access rights to the service provider, sending information to the device on how to contact the service provider.” Therefore, Applicant respectfully requests allowance of claim 27 and claims dependent on claim 27.

Specifically with respect to claim 28, Anderson does not disclose determining if the device has access rights to a service provider after receiving information from the device and sending an address of the service provider, therefore Anderson does not anticipate Applicant's limitation "wherein said sending information to the device comprises sending an address of the service provider." Further, since claim 28 is dependent on claim 27 and for the reason stated above claim 27 is not anticipated by Anderson, claim 28 is not anticipated by Anderson. Therefore, for the above two reasons, Applicant respectfully requests allowance of claim 28.

Claim 3 Rejection under 35 U.S.C. § 103(a) – Ward in view of Morris

The Office states:

34. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (6784924) in view of Morris (6353848).

35. As per claim 3, Ward does not specifically teach the service aggregator communicating update information to the device. Morris teaches the service aggregator communicating update information to the device, (e.g. col. 14, lines 12-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Morris with Ward because it would be more convenient for a system to download the update information that could enable a user to use software that could give a device added features on said device in a network than having the device

separately install the software from a portable disk, (i.e. CD ROM) .

Applicant's claim 1 recites:

1. (currently amended) A method comprising:

receiving at a service aggregator information from a device first; and

transmitting information from the service aggregator to the device directing the device to communicate with a service provider.

[Emphases added.]

Applicant's claim 3 recites:

3. (original) The method of claim 1 further comprising the service aggregator communicating update information to the device.

Claim 3 is dependent on claim 1. As previously detailed above in the Claim 1 discussion, Ward fails to teach Applicant's claim 1 limitations of: 1) the device first sending information to the service aggregator, and 2) the aggregator then directing the device to communicate with a service provider. Nor does Ward in view of Morris nor the combination of Ward and Morris disclose or suggest these limitations as Applicant has claimed in either claim 1 or dependent claim 3.

Ward is concerned with transmitting still camera images to an online service which is essentially a one way transfer, whereas Morris is concerned with establishing a two-way communication between a client and a camera. Morris at the cited reference (col. 14, lines

12 - 30) discloses handling a plurality of cameras. Applicant submits that there is no motivation to combine these references. The Office sites a rationale for combination as convenience on the part of the user, however, Ward specifically teaches away from this and specifically mentions using a personal computer hooked to the device or a memory card to download configuration file information. Combining Morris with Ward is not possible without extensive modification of Ward because Ward gets configuration information from a host pc 12 (see Ward Figure 1) and Ward does not provide a way for the communications network 40 to update the memory.

The Office in response to Applicant's earlier response states (see page 15, at 65.) "it would be obvious to one of ordinary skill in the art to combine Morris with Ward since Ward can already utilize a camera to communicate to a service provider and Morris discloses the same type of communication it would only be obvious to send other types of information to the cameras such as update information, as stated in Morris."

[Emphases added.]

Applicant most strongly disagrees with the Office's assertion. Morris specifically details sending commands to the camera to effect a transfer of pictures. For example in Morris's Abstract it states: "The executable program connects the digital image capture unit and the server computer system. The executable program communicates commands between the client computer system and the digital image capture unit, such that data captured by the digital image capture unit is transferred to the client computer system via the server computer system."

[Emphases added.]

Morris *repeatedly* states this in numerous places (e.g. Abstract; Figure 7 at 770; Figure 8 at 835; Figure 9 at 920; col. 4, line 64; col. 12, line 60; col. 13, line 43; etc.) a

representative sample is "In step 835, camera 300 receives commands from and transmits data to a client using a Web browser..." (Morris at col 15, lines 27-28.)

Nowhere in Morris is there any mention of sending update information to a device.

Further **Morris specifically teaches away** from updating the camera by specifically mentioning no need for updating the camera. "Also, by locating the present invention on a Web server (e.g., Web server 161 of FIG. 1A), the Web server becomes a focal point for accessing and managing a plurality of cameras that otherwise would have to be managed and configured separately." (Morris at col. 14, lines 12-16) [Emphases added.]

Thus Ward in view of Morris does not make obvious what Applicant has claimed in claim 3. Applicant therefore requests allowance of claim 3.

Claim 5 Rejection under 35 U.S.C. § 103(a) – Ward in view of Mighdoll

The Office states:

36. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (6784924) in view of Mighdoll et al. (6662218) (hereinafter Mighdoll).

37. As per claim 5, as closely interpreted by the Examiner, Ward does not specifically teach the service provider communicating update information to the device. Mighdoll teaches the service provider communicating update information to the device, (e.g. col. 16, lines 38-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Mighdoll with Ward because of similar reasons stated above.

Applicant's claim 1 recites:

1. (currently amended) A method comprising:

receiving at a service aggregator information from a device first; and
transmitting information from the service aggregator to the device directing
the device to communicate with a service provider.

[Emphases added.]

Applicant's claim 5 recites:

5. (original) The method of claim 1 further comprising the service provider
communicating update information to the device.

Firstly:

Claim 5 is dependent on claim 1. As previously detailed above in the Claim 1 discussion, Ward fails to teach Applicant's claim 1 limitations of: 1) the device first sending information to the service aggregator, and 2) the aggregator then directing the device to communicate with a service provider. Nor does Ward in view of Mighdoll nor the combination of Ward and Mighdoll disclose or suggest these limitations as Applicant has claimed in either claim 1 or dependent claim 5's limitation of "the service provider communicating update information to the device," thus what is claimed in Applicant's claim 5 is not obvious in light of Ward in view of Mighdoll. Applicant therefore requests allowance of claim 5.

Secondly:

Mighdoll is concerned with transcoding documents (via a proxy server) “to perform at least one of the following functions: (1) matching decompression requirements at the client; (2) converting the document into a format compatible for the client; (3) reducing latency experienced by the client; and (4) altering the document to fit into smaller memory space.” (See Mighdoll Abstract.). (Emphases added.) Applicant submits that there is *no motivation to combine* a transcoding proxy server system with a camera that downloads pictures (Ward). The Office sites a rationale for combination as convenience on the part of the user, however, *Ward specifically teaches away* from this and as discussed above at claim 3 specifically mentions using a personal computer hooked to the device or a memory card to download configuration file information. Combining Mighdoll with Ward is not possible without extensive modification of Ward because Ward gets configuration information from a host pc 12 (see Ward Figure 1) and Ward does not provide a way for the communications network 40 to update the memory. Thus what Applicant has claimed in claim 5 (“the service provider communicating update information to the device”) is not obvious in light of Ward in view of Mighdoll. Applicant therefore requests allowance of claim 5.

Thirdly:

Further, at the cited section (e.g. col. 16, lines 38-56) Mighdoll is discussing notification NOT updating a device.

3. Asynchronous Notification to Clients by Server

Another limitation associated with prior art Internet servers is the inability to provide asynchronous notification information to the client in the absence of a request from the client to do so. It would be

desirable, for example, for a server to notify a client on its own initiative when a particular Web page has changed or that a particular service is inaccessible.

(Emphases added.)

Thus Ward in view of Mighdoll fails to describe "the service provider communicating update information to the device" as Applicant has claimed in claim 5. Thus Applicant's claim 5 is not obvious in light of Ward in view of Anderson. Applicant therefore requests allowance of claim 5.

Claim 9 Rejection under 35 U.S.C. § 103(a) – Ward in view of Anderson

The Office states:

38. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (6784924) in view of Anderson (6636259).
39. As per claim 9, as closely interpreted by the Examiner, Ward does not specifically teach the choices are account choices. Anderson teaches the choices are account choices, (e.g. col. 10, lines 54-63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anderson with Ward because providing the camera with default ISP info and returning new ISP info, may be omitted.

Firstly:

Claim 9 is dependent on claim 8 which is dependent on claim 7 which is dependent on claim 1. As previously detailed above in the Claim 1 discussion, Ward fails to teach Applicant's claim 1 limitations of: 1) the device first sending information to the service aggregator, and 2) the aggregator then directing the device to communicate with a service provider. Nor does Ward in view of Anderson nor the combination of Ward and Anderson

disclose or suggest these limitations as Applicant has claimed in either claim 1 or dependent claim 9's limitation of "wherein the choices are account choices." Thus Applicant's claim 9 is not obvious in light of Ward in view of Anderson. Applicant therefore requests allowance of claim 9.

Secondly:

Additionally, Ward specifically needs to have preloaded configuration information to communicate with the online server. The Office's rationale that this "ISP info and returning new ISP info, may be omitted" is against both the teachings in Ward and Anderson. *Ward certainly teaches away from this and to remove this capability from Ward would render Ward unworkable.* As the Office is aware "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." (See MPEP 706.02(j).)

Further, the Office (see page 17, at 72.) states:

72. As to part 9, Examiner would like to point out to the Applicant that Ward is not intended for the rejection of claim 9, Anderson is relied upon more. Also, in response to applicant's arguments

against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

However, as the Office is aware, for a combination of references to suffice there must be a reasonable expectation of success in the combination. "Thus, the governing standard is emphatically not whether a particular method or process leading to an invention would be "obvious to try," *In Re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2D (BNA) 1596 (Fed. Cir. 1988), but whether such an experiment would have been expected to succeed. *In Re Merck*, 800 F.2d 1091, 1097, 231 U.S.P.Q. (BNA) 375 (Fed. Cir. 1986). Moreover, this expectation must be measured with deliberate avoidance of hindsight assessment. *Id.*" *Merck & Co. v. Danbury Pharmacal, Inc.*, 694 F. Supp. 1, 29 (D. Del. 1988).

Applicant maintains that the Office has failed to show a reasonable expectation that the combination of Ward and Anderson would succeed. Indeed the Office in its own comments (see pages 16-17, at 71) admits:

"The Office's rationale that this "ISP info and returning new ISP into [sic], may be omitted" is against both the teaches [sic] in Ward and Anderson. Ward certainly teaches away from this and to remove this capability from Ward would render Ward unworkable."

Yet, the Office's insistence in maintaining that "Anderson is relied upon more" is not consistent with a reasonable expectation that the combination would succeed. If Ward is rendered unworkable then the combination with Anderson cannot be expected to have a reasonable expectation of success. Applicant maintains that the Office has failed to

establish a prima facie case of obviousness for Applicant's claim 9 limitation of "wherein the choices are account choices." Applicant therefore requests allowance of Applicant's claim

Claim 10 Rejection under 35 U.S.C. § 103(a) – Ward in view of Anderson further in view of Cook

The Office states:

40. Claims 10-12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (6784924) in view of Anderson (6636259) in further view of Cook et al. (6636259) [sic] (hereinafter Cook).

41. As per claim 10, as closely interpreted by the Examiner, Ward teaches the information received at the service aggregator is selected from the group consisting of device attribute information, account information, type of device information, application information, (e.g. col. 1, lines 51-67), but does not specifically teach branding information, device serial number information, and last time used information.

42. Anderson teaches branding information, device serial number information, (e.g. col. 7, lines 13-20).

43. Cook teaches last time used information, (e.g. col. 10, lines 30-50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anderson and Cook with Ward because providing device information to a central location would give the system information to bill the user for services rendered.

Firstly:

Claim 10 is dependent on claim 1. As previously detailed above in the Claim 1 discussion, Ward fails to teach Applicant's claim 1 limitations of: 1) the device first sending information to the service aggregator, and 2) the aggregator then directing the device to communicate with a service provider. Neither Anderson nor Cook in view of Ward disclose or suggest these limitations as Applicant has claimed in either claim 1 or dependent claim 10's limitation of "wherein the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information."

Because the combination of Ward and Anderson and Cook fail to disclose what Applicant has claimed in claim 10, Ward in view of Anderson in further view of Cook do not make obvious what Applicant has claimed in claim 10. Applicant therefore requests allowance of claim 10 and all claims dependent on claim 10.

Secondly:

The Office cites Ward at col. 1, lines 51-67 as teaching the information received at the service aggregator is selected from the group consisting of device attribute information, account information, type of device information, application information.

Ward at that reference teaches no such thing. Ward at the reference states:

The present invention is directed to overcoming one or more of the problems set forth above. Briefly summarized, according to one aspect of the present invention, a network configuration file is generated at a host computer and downloaded to a digital camera. This file contains instruction information for communicating with a selected destination via a communications interface. The digital camera includes a "send" button or LCD icon which allows the user to easily transmit one or more images via a wired or wireless communications interface to a desired destination, which among

Response to OA of 06-30-2005

Page 54 of 68

Application No. 09/884741

other possibilities may be an Internet Service Provider or a digital photofinishing center. When the user selects this option, the communications port settings, user account specifics, and destination connection commands are read from the network configuration file. Examples of these settings include serial port baud rate, parity, and stop bits, as well as account name and password.

Applicant sees nothing above that indicates "information received at the service aggregator is selected from the group consisting of device attribute information, account information, type of device information, application information."

Further *nowhere* in Ward is there any mention of a service aggregator receiving device attribute information or account information or type of device information or application information. Applicant submits that Ward does not disclose this limitation of Applicant's claim 10.

Furthermore, *nowhere* in Anderson or in Cook is there any mention of a service aggregator receiving device attribute information or account information or type of device information or application information. Applicant submits that Anderson and Cook do not disclose this limitation of Applicant's claim 10.

Because Ward, Anderson, and Cook do not disclose the limitations of Applicant's claim 10, Ward in view of Anderson in further view of Cook does not make obvious what Applicant has claimed in claim 10. Applicant therefore requests allowance of claim 10 and all claims dependent on claim 10.

Thirdly:

The Office cites Cook at col. 10, lines 30-50 as teaching last time used information.

Cook at that reference teaches no such thing. Cook at the reference states:

FIG. 7 depicts table for a user access profile in an example of the invention. A user access profile includes access information for the user, billing information, and preferences for access. Access

information is any information or data related to providing the user access to the network architecture 500. Some examples of access information are user ID, password, name, account number, user alias, current network address, switching allowed flag, and other security information. Access information also include a list of services that the user has subscribed to or is allowed access to. In one embodiment, access information includes a cache of information that the user has accessed previously. Some examples of billing information are address and billing code including bank card numbers or prepaid account codes. Preferences for access allow the user to save choices or preferences to customize their access to the network architecture 400. Some examples of preferences for access are file formats and Quality of Service values. The user access profile may also include usage information such as time of day access, day of week, usages per day, usages per week, and usages per month.

Applicant sees nothing above that indicates information received at the service aggregator is "last time used information." Applicant submits that Cook does not disclose this limitation of Applicant's claim 10.

Furthermore, *nowhere* in Ward or in Cook is there any mention of a service aggregator receiving last time used information.

Because Ward, Anderson, and Cook do not disclose the limitations of Applicant's claim 10, Ward in view of Anderson in further view of Cook does not make obvious what Applicant has claimed in claim 10. Applicant therefore requests allowance of claim 10 and all claims dependent on claim 10.

Claim 11 Rejection under 35 U.S.C. § 103(a) – Ward in view of Anderson further in view of Cook

The Office states:

44. As per claim 11, as closely interpreted by the Examiner, Ward does not specifically teach the branding information is prespecified in the device. Anderson teaches the branding information is prespecified in the device, (e.g. col. 7, lines 13-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anderson with Ward because it would be more efficient for a system to establish a connection with devices that are recognized within the company that develops the hardware and software purchased.

Firstly:

Claim 11 is dependent on claim 10 which in turn is dependent on claim 1. As previously detailed above in the Claim 1 discussion, Ward fails to teach Applicant's claim 1 limitations of: 1) the device first sending information to the service aggregator, and 2) the aggregator then directing the device to communicate with a service provider. Neither Anderson nor Cook in view of Ward disclose or suggest these limitations as Applicant has claimed in either claim 1 or dependent claim 11's limitation of "wherein the branding information is prespecified in the device."

Because the combination of Ward and Anderson and Cook fail to disclose what Applicant has claimed in claim 11, Ward in view of Anderson in further view of Cook do not make obvious what Applicant has claimed in claim 11. Applicant therefore requests allowance of claim 11.

Secondly:

As discussed above at claim 10, Ward in view of Anderson in further view of Cook do not teach the claim 10 limitation of the information being received at a service

aggregator. Ward in view of Anderson in further view of Cook do not teach the further limitation of claim 11 wherein the branding information is prespecified in the device and the device first sends information to the service aggregator. Because the combination of Ward and Anderson and Cook fail to disclose what Applicant has claimed in claim 11, Ward in view of Anderson in further view of Cook do not make obvious what Applicant has claimed in claim 11. Applicant therefore requests allowance of claim 11.

Claim 12 Rejection under 35 U.S.C. § 103(a) – Ward in view of Anderson further in view of Cook

The Office states:

45. As per claim 12, as closely interpreted by the Examiner, Ward teaches the account information is input by a user, (e.g. col. 1, lines 51-67).

Firstly:

Claim 12 is dependent on claim 10 which in turn is dependent on claim 1. As previously detailed above in the Claim 1 discussion, Ward fails to teach Applicant's claim 1 limitations of: 1) the device first sending information to the service aggregator, and 2) the aggregator then directing the device to communicate with a service provider. Neither Anderson nor Cook in view of Ward disclose or suggest these limitations as Applicant has claimed in either claim 1 or dependent claim 12's limitation of "wherein the account information is input by a user."

Because the combination of Ward and Anderson and Cook fail to disclose what Applicant has claimed in claim 12, Ward in view of Anderson in further view of Cook do not

make obvious what Applicant has claimed in claim 12. Applicant therefore requests allowance of claim 12.

Secondly:

As discussed above at claim 10, Ward in view of Anderson in further view of Cook do not teach the claim 10 limitation of the information being received at a service aggregator. Ward in view of Anderson in further view of Cook do not teach the further limitation of claim 12 wherein the account information is input by a user and the device first sends information to the service aggregator. Because the combination of Ward and Anderson and Cook fail to disclose what Applicant has claimed in claim 12, Ward in view of Anderson in further view of Cook do not make obvious what Applicant has claimed in claim 12. Applicant therefore requests allowance of claim 12.

Thirdly:

The Office cites Ward at col. 1, lines 51-67 as teaching account information is input by a user.

Ward at that reference does not teach Applicant's claim 11 limitation "wherein the account information is input by a user." Ward at the reference states:

The present invention is directed to overcoming one or more of the problems set forth above. Briefly summarized, according to one aspect of the present invention, a network configuration file is generated at a host computer and downloaded to a digital camera. This file contains instruction information for communicating with a selected destination via a communications interface. The digital camera includes a "send" button or LCD icon which allows the user to easily transmit one or more images via a wired or wireless communications interface to a desired destination, which among other possibilities may be an Internet Service Provider or a digital photofinishing center. When the

user selects this option, the communications port settings, user account specifics, and destination connection commands are read from the network configuration file. Examples of these settings include serial port baud rate, parity, and stop bits, as well as account name and password.
[Emphases added.]

Because Ward fails to disclose this limitation and Anderson and Cook do not disclose this limitation as Applicant has claimed in claim 12, Ward in view of Anderson in further view of Cook do not make obvious what Applicant has claimed in claim 12. Applicant therefore requests allowance of claim 12.

Claim 18 Rejection under 35 U.S.C. § 103(a) – Ward in view of Anderson further in view of Cook

The Office states:

46. Claims 18 are rejected for similar reasons as stated above.

Firstly:

Applicant's claim 18 is dependent on claim 17. Ward as discussed above in the Claim 17 discussion fails to disclose receiving at a service aggregator information from a device first. Ward discloses sending information to the device (camera) first. Furthermore, neither Anderson nor Cook discloses receiving at a service aggregator information from a device first. Because none of the references cited disclose this limitation or claim 18's further limitation "wherein the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information" the combination of Ward and Anderson and Cook fails to disclose what Applicant has claimed in claim 18, Ward in view of Anderson in

further view of Cook does not make obvious what Applicant has claimed in claim 18.

Applicant therefore requests allowance of claim 18.

Secondly:

The Office cites Ward at col. 1, lines 51-67 as teaching the information received at the service aggregator is selected from the group consisting of device attribute information, account information, type of device information, application information.

Ward at that reference teaches no such thing. Ward at the reference states:

The present invention is directed to overcoming one or more of the problems set forth above. Briefly summarized, according to one aspect of the present invention, a network configuration file is generated at a host computer and downloaded to a digital camera. This file contains instruction information for communicating with a selected destination via a communications interface. The digital camera includes a "send" button or LCD icon which allows the user to easily transmit one or more images via a wired or wireless communications interface to a desired destination, which among other possibilities may be an Internet Service Provider or a digital photofinishing center. When the user selects this option, the communications port settings, user account specifics, and destination connection commands are read from the network configuration file. Examples of these settings include serial port baud rate, parity, and stop bits, as well as account name and password.

Applicant sees nothing above that indicates "information received at the service aggregator is selected from the group consisting of device attribute information, account information, type of device information, application information."

Further *nowhere* in Ward is there any mention of a service aggregator receiving device attribute information or account information or type of device information or application information. Applicant submits that Ward does not disclose this limitation of Applicant's claim 18.

Furthermore, *nowhere* in Anderson or in Cook is there any mention of a service aggregator receiving device attribute information or account information or type of device information or application information. Applicant submits that Anderson and Cook do not disclose this limitation of Applicant's claim 18.

Because Ward, Anderson, and Cook do not disclose the limitations of Applicant's claim 18, Ward in view of Anderson in further view of Cook does not make obvious what Applicant has claimed in claim 18. Applicant therefore requests allowance of claim 18 and all claims dependent on claim 18.

Thirdly:

The Office cites Cook at col. 10, lines 30-50 as teaching last time used information.

Cook at that reference teaches no such thing. Cook at the reference states:

FIG. 7 depicts table for a user access profile in an example of the invention. A user access profile includes access information for the user, billing information, and preferences for access. Access information is any information or data related to providing the user access to the network architecture 500. Some examples of access information are user ID, password, name, account number, user alias, current network address, switching allowed flag, and other security information. Access information also include a list of services that the user has subscribed to or is allowed access to. In one embodiment, access information includes a cache of information that the user has accessed previously. Some examples of billing information are address and billing code including bank card numbers or prepaid account codes. Preferences for access allow the user to save choices or preferences to customize their access to the network architecture 400. Some examples of preferences for access are file formats and Quality of Service values. The user access profile may also include usage information such as time of day access, day of week, usages per day, usages per week, and usages per month.

Applicant sees nothing above that indicates information received at the service aggregator is "last time used information." Applicant submits that Cook does not disclose this limitation of Applicant's claim 18.

Furthermore, *nowhere* in Ward or in Cook is there any mention of a service aggregator receiving last time used information.

Because Ward, Anderson, and Cook do not disclose the limitations of Applicant's claim 18, Ward in view of Anderson in further view of Cook does not make obvious what Applicant has claimed in claim 18. Applicant therefore requests allowance of claim 18 and all claims dependent on claim 18.

Claim 29 Rejection under 35 U.S.C. § 103(a) – Anderson in view of Cook

The Office states:

47. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (6.636259) in view of Cook (6636259).

48. As per claim 29, as closely interpreted by the Examiner, Anderson does not specifically teach determining a sufficiency of a payment from a payor. Cook teaches determining a sufficiency of a payment from a payor, (e.g. col. 21, lines 11-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cook with Anderson because of similar reasons stated above. Furthermore, it would be more beneficial for a system to keep track of services rendered by a service provider and to keep users that are delinquent on payments, out of the system until such payment is received for services rendered.

Firstly:

Response to OA of 06-30-2005

Page 63 of 68

Application No. 09/884741

Claim 29 is dependent on claim 27. For the reasons discussed above and in "Claims 19-24 and 27-28 Rejection under 35 U.S.C. § 102(e) – Anderson" Anderson does not disclose "receiving information from a device; determining if the device has access rights to a service provider after said receiving information from said device; and if the device has access rights to the service provider, sending information to the device on how to contact the service provider." Cook does not disclose this limitation of claim 27 either. The combination of Anderson in view of Cook does not disclose this limitation, therefore it cannot also disclose dependent claim 29's further limitation of "further comprises determining a sufficiency of a payment from a payor." Anderson in view of Cook does not make obvious what Applicant has claimed in claim 29. Applicant therefore requests allowance of claim 29 and all claims dependent on claim 29.

Secondly:

The Office cites Cook at col. 21, lines 11-29 as teaching determining a sufficiency of a payment from a payor.

Cook at that reference does not teach Applicant's claim 29 limitation "further comprises determining a sufficiency of a payment from a payor." Cook at the reference states:

FIG. 20 depicts a flowchart for bank card access for a connection in an example of the invention. FIG. 20 begins in step 2000. In step 2002, the access server 524 waits for a connection. The network device 512 connects to the access server 524 in step 2004. Once a connection is established, the database system 522 generates and transmits a logon query for the network device 512. The network device 512 transmits information identifying a billing code. In this embodiment, the information identifying a billing code is a response including credit card numbers to the logon query. In other

embodiments, the billing code is retrieved from the user access profile. The access server 524 then transfers the response from the network device 512 to the database system 522. The database system 522 receives and processes the response to see if the user is known in the local database system 570 in step.2006. If the user is known, the database system 522 logs the access information and authorizes to provide access to the user via the access server 524 in step 2008 before returning to step 2002.

Applicant finds no reference to "determining a sufficiency of a payment from a payor." Cook does not disclose "determining a sufficiency of a payment from a payor." Because neither Anderson or Cook disclose this limitation of Applicant's claim 29, Anderson in view of Cook does not make obvious what Applicant has claimed in claim 29. Applicant therefore requests allowance of claim 29 and all claims dependent on claim 29.

Claim 30 Rejection under 35 U.S.C. § 103(a) – Anderson in view of Cook

The Office states:

49. As per claim 30, as closely interpreted by the Examiner, Anderson teaches the payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser, (e.g. col. 4, lines 10 - 24).

Firstly:

Claim 30 is dependent on claim 29 which is dependent on claim 27. For the reasons discussed above and in "Claims 19-24 and 27-28 Rejection under 35 U.S.C. § 102(e) – Anderson" and Claim 29 discussion, Anderson and Cook do not disclose "receiving information from a device; determining if the device has access rights to a service provider after said receiving information from said device; and if the device has access rights to the service provider, sending information to the device on how to contact the service provider."

The combination of Anderson in view of Cook does not disclose this limitation, therefore it cannot also disclose dependent claim 30's further limitation of "the payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser."

Anderson in view of Cook does not make obvious what Applicant has claimed in claim 30. Applicant therefore requests allowance of claim 30.

Secondly:

The Office cites Cook at col. 4, lines 10-24 as teaching the payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser.

Cook at that reference does not teach Applicant's claim 30 limitation "the payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser." Cook at the reference states:

The access server replaces the named function request with the private destination address in response to the determination that the private destination address exists for the named function request. The access server then transmits the information with the private destination address to the service provider.

In another aspect of the inventions for prepaid access and bank card access, the database system receives information identifying a billing code for a user. The database system then processes the billing code to determine if the user is allowed to use the access system. The database system provides access to the access system in response to the determination that the user is allowed to use the access system.

In another aspect of the inventions for global authentication and access card, the database system receives a user logon. The database system then processes the user logon to determine if the user is allowed access to the access communication system based on a local database system. The

database system then provides access to the access communication system to the user in response to the determination that the user is allowed access based on the local database system.

Applicant finds no reference to "the payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser." Cook does not disclose "the payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser." Because neither Anderson or Cook disclose this limitation of Applicant's claim 30, Anderson in view of Cook does not make obvious what Applicant has claimed in claim 30. Applicant therefore requests allowance of claim 30.

Claims 25 and 26 – Examiner has failed to perform an Examination

The Examiner has twice now failed to provide Applicant with any rationale for rejection. Applicant respectfully requests that the Office split the prosecution of claims 25 and 26 from the rest as it does not seem fair that claims which have not yet been examined be placed on a final rejection. In the alternative, Applicant requests that if claims 25 and 26 are to be prosecuted "in step" with the remaining claims that the entire Application be "set back in time" to a first Office Action status upon receipt by Applicant of a written response for claims 25 and 26. Applicant respectfully requests that the Examiner remove the final rejection, refund monies associated with the RCE filing and examine Applicant's application.

CONCLUSION

Applicant submits that the rejection of dependent claims not specifically addressed, are addressed by Applicant's arguments to the claim(s) on which they depend.

Applicant respectfully submits that all claims are in condition for allowance and requests such.

Communication via cleartext email is authorized.

Respectfully submitted,

Heimlich Law

12/30/2005

Date



Digitally signed by Alan
Heimlich
DN: CN = Alan Heimlich, C =
US, O = Heimlich Law

Alan Heimlich / Reg 48808

Attorney for Applicant(s)

Customer No. 40418

5952 Dial Way
San Jose, CA 95129

Tel: 408 253-3860
Eml: alanheimlich@heimlichlaw.com